

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: Mark R. WilliamsApplication No.: 09/652,387Art Unit: 2171Filed: August 31, 2000Examiner: Debbie M. LeTitle: Method and Apparatuses For Media File Delivery

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional

1. Petition Fee

☒ Small entity-fee \$ 750 (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27.

☐ Other than small entity-fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of letter of explanation (identify type of reply):

☐ has been filed previously on _____.

☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

☐ has been paid previously on _____.

☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Mark R. Williams
Signature

Mark R. Williams
Type or Printed name

682 S. 7th St.
Address

San Jose, CA 95112
Address

1/10/05
Date

Registration Number, If applicable
408 971-0958
Telephone Number

- Enclosures:
- ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

1/10/05
Date

Mark R. Williams
Signature

Mark R. Williams

Typed or printed name of person signing certificate

*only
of letter
sent 1/10/05*

January 10, 2005

Mark R. Williams

682 S. 7th St.

San Jose, CA 95112

e-mail: markrw@sprynet.com

(408) 971-0958 home

(408) 206-6910 cell

Customer #35667

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

This letter regards patent application 09/652,387.

I recently received a Notice of Abandonment, which stated that "No reply has been received" to the Office letter mailed on 05 Sept 03. However, the PAIR site indicates that your office received all my subsequent replies, including the RCE. Please see below.

10-06-2004	Case Docketed to Examiner in GAU
09-14-2004	Workflow - Request for RCE - Begin
07-23-2004	Mail Advisory Action (PTOL - 303)
07-22-2004	Advisory Action (PTOL-303)
07-13-2004	Date Forwarded to Examiner
06-21-2004	Amendment/Argument after Notice of Appeal
03-31-2004	Mail Advisory Action (PTOL - 303)
03-31-2004	Advisory Action (PTOL-303)
02-09-2004	Notice of Appeal Filed
03-19-2004	Date Forwarded to Examiner
02-09-2004	Amendment after Final Rejection

Even when I called for assistance last week, the customer support person I spoke with was unable to explain why I got this abandonment letter. He just suggested I file a petition for revival.

I am enclosing a petition for revival along with the \$750 fee. But can someone please explain to me what I have done wrong, so I don't do it again? PLEASE - a simple phone call to my cell phone listed above, or even a short email would be greatly appreciated!

Regards,

Mark R. Williams

Mark R. Williams

MARK R. WILLIAMS
682 S. 7TH ST. 408-971-0958
SAN JOSE, CA 95112

2041

1/10/05

90-78/1211

Date

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For

petition for renewal

Mark R Williams

MP

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ENDORSE HERE:

X

PATENT AND TRADEMARK OFFICE

13-10-0001

01-18-2005

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